IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CWP No. 123 of 2006
Date of decision: 1.5.2007

Punjab Roadways, Nawanshahar ...Petitioner

Versus

Patiala Bus Highways Pvt. Ltd. Patiala
and others ...Respondents.

(2) CWP No. 5824 of 2006
Date of decision: 1.5.2007

Punjab Roadways, Batala ...Petitioner

Versus

Rohni Bus Service and another ...Respondents.

(3) CWP No. 11332 of 2006
Date of decision: 1.5.2007

General Manager Punjab Roadways, Amritsar II ...Petitioner

Versus

Bajwa Co-operative Bus Services Batala
and others ...Respondents.

(4) CWP No. 11916 of 2006
Date of decision: 1.5.2007

Punjab Roadways, Hoshiarpur ...Petitioner

Versus

Joginder Singh and another ...Respondents.

(5) CWP No. 12982 of 2006
Date of decision: 1.5.2007

General Manager Punjab Roadways, Pathankot ...Petitioner
Versus
Bajwa Cooperative Bus Service Batala
and others ...Respondents.

(6) CWP No. 19084 of 2005
Date of decision: 1.5.2007

Punjab Roadways, Batala ...Petitioner
Versus
State Transport Appellate Tribunal Punjab
and another ...Respondents.

(7) CWP No. 19085 of 2005
Date of decision: 1.5.2007

Punjab Roadways, Batala ...Petitioner
Versus

State Transport Appellate Tribunal, Punjab
and another ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. NS Virk, Additional Advocate General,
Punjab, for the petitioners.

Mr. H.S.Sawhney, Senior Advocate with
Mr. BS Giri, Advocate, for the respondents.

K.S.GAREWAL, J.

This judgment shall dispose of CWP 123, 5824, 11332, 11916, and 12982 of 2006 and 19084, 19085 of 2005. However, for the purpose of

convenience, basic facts have been culled out from CWP 123 of 2006. Punjab Roadways, Nawanshar has challenged the order of the learned State Transport Appellate Tribunal dated December 17, 2004. Through this order the appeal filed by Patiala Bus Highways Private Limited (respondent 1 herein) was allowed. The result was that the order of the State Transport Commissioner dated November 10, 1993 exercising the powers of Regional Transport Authority was set aside. The grant of one permit with two return trips on the Ludhiana-Mahilpur route to Punjab Roadways got nullified. The Tribunal directed the Regional Transport Authority to issue the said permit to Patiala Bus Highways Private Limited.

Similarly, there were several other routes on which permits that had been granted to Punjab Roadways were also set aside by the Tribunal and directed to be issued to various private transporters who had filed appeals.

The details of the other cases and the routes in questions are given below:-

CWP	**Petitioner**	**Routes**	**Date of STAT Order**	**Successful Operator (s)**
19084	Punjab Roadways Batala	Batala-Mohali	August 1, 2005	Amandeep Travels
19085	Punjab Roadways Batala	Batala-Mohali	August 1, 2005	Kahlon Bus Service Regd.
5824	Punjab Roadways Batala	Amritsar-Batala	October 3, 2005	Rohni Bus Service
11332	Punjab Roadways Amritsar	Amritsar-Pathankot	October 25, 2005	Bajwas Co-operative Bus Service

				Jalandhar-Ludhiana Transport Co. New Himalya Transport Co. Deol Co-operative Transport Society
11916	Punjab Roadways Hoshiarpur	Dasuya-Mohali	October 28, 2005	Joginder Singh
12982	Punjab Roadways Batala	Amritsar-Pathankot	August 25, 2005	Same as in CWP 11332

In all the above cases, various depots of the Punjab Roadways at Batala, Nawanshwar, Amritsar, Pathankot have challenged the orders of the State Transport Appellate Tribunal setting aside permits granted to them. According to the petitioners, permits to private operators were in violation of Scheme dated August 9, 1990 framed under the Motor Vehicles Act, 1988.

It may be that Punjab Roadways, a State transport undertaking, can in an appropriate case challenge grant of permit to private operators if those permits were granted contrary to the scheme. However, in the present set of cases, Punjab Roadways had been unable to collect the permits for many years. The Tribunal was well justified in granting those permits to private operators to ply buses on these routes. The permits were given to those who had challenged the grant to Punjab Roadways in appeal. It was essential to consider the inconvenience caused to the travelling public by Punjab Roadways utterly failing to provide services. The Tribunal was justified in setting aside the grant in favour of the Punjab Roadways and

allowing the permits to the respective respondents.

Similar question had earlier come up for consideration before this Court, and decisions are Division Bench judgments. They are (1) CWP 9215 of 2006 entitled Punjab Roadways Chandigarh Versus Ambala Bus Syndicate Private Limited, Ropar and others decided on July 3, 2006, (2) CWP 8483 of 2005 entitled Majhi Express Transport Services Regd. Patiala Versus State Transport Appellate Tribunal, Punjab and others decided on October 24, 2006 and (3) CWP 18713 of 2003 entitled Amloh Bus Service (Regd.) Versus State of Punjab and others decided on March 27, 2006.

We do not find any illegality or infirmity, jurisdictional or otherwise, in the order of the learned State Transport Appellate Tribunal.

Consequently, these petitions are dismissed.

(K.S. GAREWAL)
JUDGE

1.5.2007 **(AJAI LAMBA)**
prem **JUDGE**